

1-39-A. Delegation of Authority to Settle Administrative Equal Employment Opportunity (EEO) Claims and Complaints (1200 TN 305 1-39-A)

1. AUTHORITY. On behalf of the U.S. Environmental Protection Agency (EPA or Agency), to enter into settlement agreements that resolve administrative claims and complaints brought against the Agency under various EEO authorities, including the Equal Pay Act of 1963, as amended, 29 U.S.C. 206(d) et seq.; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.; Executive Orders 11478, 12106, 13145, and 13152; and the Equal Employment Opportunity Commission (EEOC) regulations at 29 C.F.R. Part 1614. This includes the authority to settle any and all of a complainant's pending administrative EEO claims and complaints, and mixed case appeals filed by an appellant before the Merit Systems Protection Board (MSPB).

2. TO WHOM DELEGATED.

- a. The Deputy Civil Rights Official, EPA Region 3, for settlement agreements with complainants employed by EPA Region 3 and prior to the complainant requesting a hearing before the EEOC or MSPB.
- b. The attorney in the Office of Regional Counsel (ORC), designated by ORC to represent the Agency after a complainant requests a hearing before the EEOC or files a mixed case appeal before the MSPB.

3. LIMITATIONS.

- a. The settlement authority provided under this delegation may only be exercised with the concurrence of the Director, Office of Civil Rights (OCR), on acceptable parameters for settlement. This concurrence must be obtained as early as practical. If settlement negotiation results in settlement terms that deviate from the parameters concurred upon by the Director, OCR, then the delegatee must obtain concurrence on the new terms or new parameters before entering into a settlement agreement. The Director, OCR, at his or her discretion, may waive the concurrence requirement, in writing, at any time.
- b. The settlement authority provided under paragraph 2.a. may only be exercised after legal review of a proposed settlement agreement by ORC, EPA Region 3.

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- c. The settlement authority provided under paragraph 2.a. may only be exercised only in connection with claims and cases brought by employees of EPA, Region 3.
- d. The settlement authority provided under paragraph 2.b. may only be exercised with the concurrence of the Deputy Civil Rights Official.
- e. Subject to paragraph 4.a., an ORC attorney may engage in discussions and negotiations that may lead to settlement of a claim or complaint by an official who has settlement authority under this delegation.
- f. The ORC attorney designated pursuant to 2.b. must obtain the prior concurrence of the Regional Counsel to settle any matter covered under this delegation.

4. REDELEGATION AUTHORITY.

- a. The authority in paragraphs 2.a. and 2.b. may not be redelegated.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Temporary Region 3 Delegation of Authority to Settle Administrative Equal Employment Opportunity (EEO) Claims and Complaints, dated 12/1/2005.
- b. EPA Delegation 1-34, Litigation Representation.
- c. EPA Delegation 1-83, Final Decisions on Formal Complaints of Discrimination.
- d. 29 C.F.R. Part 1614.

Date: APR 15 2019


Cosmo Servidio
Regional Administrator